IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Bail Appl..No. 5259 of 2007()

CRIME NO. 557/07 OF PALARIVATTOM POLICE STATION

PETITIONERS

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1. JOSE M.O., AGED 57, S/O. OUSEPH,
MALIAKKAL HOUSE, KUZHUR DESOM,
KAKKULISSERY VILLAGE.

2. SUNI JOSE, AGED 28, S/O. JOSE,
MALIAKKAL HOUSE, KUZHUR DESOM,
KAKKULISSERY VILLAGE.

BY ADV. SRI.SHEEJO CHACKO
SRI.M.N.MANOJ
SRI.PRASANTH K.DIVAKARAN

RESPONDENTS:

STATE OF KERALA, REP. BY
S.I. OF POLICE, PALARIVATTOM, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5259 of 2007

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Dated this the 6th day of September, 2007

O R D E R

Application for anticipatory bail. The petitioners - father and son - apprehend arrest in a crime registered, inter alia, under Section 420 I.P.C. They pray that directions under Section 438 Cr.P.C. may be issued in their favour.

2. The learned Prosecutor, after taking instructions, submits that both petitioners are not accused in this case and they are not required to be arrested as of now. If the petitioners are later required to be brought on the array of accused, they shall be arrested only after seeking further direction from this Court, submits the Prosecutor. It is in these circumstances submits that the apprehension of the petitioners being totally unsustainable, this application may be dismissed. The learned Prosecutor however submits that another son of the first petitioner by name Suji Jose is the first accused and his wife is the third accused in crime No. 557 of 2007.

3. I take note of and do hereby record the submissions of the learned Prosecutor that both these petitioners are not required to be arrested in the crime and that their apprehension is without any basis.

4. This application is accordingly dismissed, accepting the submissions of the learned Prosecutor.

(R. BASANT)
Judge

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